

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JEFFREY A. BECKERMAN,

Plaintiff,

v.

BRANDY L. HICKEY, et al.,

Defendants.

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No. 1:15CV209 SNLJ

MEMORANDUM AND ORDER

Plaintiff moves for appointment of counsel. After considering the motion and the pleadings, the motion is denied without prejudice to refile at a later time.

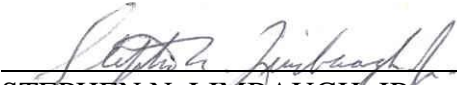
There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Plaintiff requests counsel on the basis that a potential witness refuses to talk to him about his case. However, the Court has not yet authorized discovery. If the Court does authorize discovery in the future, plaintiff can use the procedures prescribed in the Federal Rules of Civil Procedure to communicate with any necessary witnesses. Additionally, plaintiff has demonstrated, at this point, that he can adequately present his claims to the Court. As a result, the motion is denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [[ECF No. 19] is **DENIED** without prejudice.

Dated this 25th day of February, 2016.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE